

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION**

John Robert Demos,

Plaintiff,

Case No. 18-cv-11412

v.

Judith E. Levy

United States District Judge

United States of America, et al.,

Mag. Judge Patricia T. Morris

Defendants.

_____/

**OPINION AND ORDER DENYING APPLICATION TO PROCEED
WITHOUT PREPAYING FEES [4] AND
SUMMARILY DISMISSING THE COMPLAINT [1]**

On April 30, 2018, plaintiff John Robert Demos, a prisoner confined in Washington State, filed a complaint under various federal provisions claiming that he was illegally kidnapped by government officials. (Dkt. 1.) Plaintiff did not pay the necessary filing and administrative fees, but accompanied his lawsuit with an application to proceed *in forma pauperis* (Dkt. 4), which, if granted, would allow him to pay the fees in manageable future installments. 28 U.S.C.A. § 1915(b) (West 2018). However, plaintiff has been enjoined from filing such lawsuits without first obtaining leave to do so. And since leave has

neither been requested nor granted, the Court denies plaintiff's application and dismisses his complaint in its entirety.

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Plaintiffs instituting a civil action in district court are required to pay a \$350 filing fee plus a fifty-dollar administrative fee before their case can proceed. *See* § 1914(a). Although prisoners are liable for this fee the same as any other plaintiff, they are afforded some leniency. If a prisoner proceeds *in forma pauperis*, he or she will be permitted to pay the fee in installments, tailored to his or her budget. § 1915(b).

Prisoners are not automatically entitled to proceed *in forma pauperis*. District courts can deny them this status if on three or more previous occasions they have filed a civil action while incarcerated and it has been dismissed as frivolous, malicious, or because it failed to state a claim for which relief could be granted. § 1915(g). This is referred to as the three strikes rule. It prevents prisoners from filing a series of meritless lawsuits *in forma pauperis*, with limited exceptions not relevant to the present situation.

Plaintiff is no stranger to frivolous litigation. Over the years, he has filed countless, meritless civil rights complaints, habeas petitions,

and other federal lawsuits. *See Demos v. Stabenow*, No. 03-CV-60222-AA, 2003 U.S. Dist. LEXIS 28963, at *2–4 (E.D. Mich. Nov. 12, 2003); *Demos v. Kincheloe*, 563 F. Supp. 30, 31 (E. D. Wash. 1982); *see also Demos v. Storrie*, 507 U.S. 290 (1993) (directing the Supreme Court Clerk to reject all future petitions for certiorari in noncriminal matters unless plaintiff pays the required fees). On account of his activities, he is barred from proceeding *in forma pauperis* pursuant to the three strikes rule. Moreover, due to his history of filing frivolous actions, plaintiff has been enjoined by the Court from filing *in forma pauperis* complaints without prior leave to do so. *Demos v. United States*, No. 2:08-CV-13965, 2008 U.S. Dist. LEXIS 72728, at *7–8 (E.D. Mich. Sep. 24, 2008). Plaintiff has neither requested nor obtained permission to file the instant complaint. Consequently, Plaintiff is barred from initiating this action.

Accordingly, **IT IS ORDERED** that plaintiff's application to proceed *in forma pauperis* be **DENIED** [4] and that his complaint be **DISMISSED. IT IS FURTHER ORDERED AND CERTIFIED** that

any appeal taken by the plaintiff would not be done in good faith.

IT IS SO ORDERED.

Dated: November 1, 2018
Ann Arbor, Michigan

s/Judith E. Levy
JUDITH E. LEVY
United States District Judge

CERTIFICATE OF SERVICE

The undersigned certifies that the foregoing document was served upon counsel of record and any unrepresented parties via the Court's ECF System to their respective email or First Class U.S. mail addresses disclosed on the Notice of Electronic Filing on November 1, 2018.

s/Shawna Burns
SHAWNA BURNS
Case Manager